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APPLICATION NO.	FILING DATE	FIRST NAMED-INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,722	01/24/2001	Jean-Claude Martin	Q62481	3662

7590 05/18/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

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DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,722

Applicant(s)

MARTIN ET AL.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03/02/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalbermatter et al. (US Patent Number (5,508,978) in view of Teres (US Patent Number 5,812,548).

Regarding claim 1, Kalbermatter teaches a crystal in particular for a telephone watch (see figure 4, numeral 2, col 2 lines 7-26) including a keyboard 13 disposed under a lower face of the surface, said crystal including a thick zone 5 and a thinned zone (the surrounding area, col 5 lines 28-36), the keyboard 13 being deposited in the thinned zone (surrounding area, col 3 lines 26 37). Kalbermatter fails to specifically mention that the entire surface of telephone watch is crystal, and the keyboard formed in particular of a plurality of capacitive sensors. However Teres teaches a wrist watch wherein the entire surface is crystal (col 2 lines 31-41), and a keyboard formed in particular of a plurality of capacitive sensors (col 1 lines 21-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Teres with

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Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 2, Kalbermatter teaches a telephone watch wherein the thinned zone (surrounding area) is arranged on the side of the crystal lower face (see figure 4, col 3 lines 2937).

Regarding claim 3, Kalbermatter teaches an apparatus wherein the thick zone 5 is disposed at its center and in that the thinned zone (surrounding area) is disposed at its periphery (see figure 4, col 3 lines 29-37).

Regarding claim 4, Kalbermatter teaches an apparatus wherein it is round wherein the thinned zone (surrounding area) forms a ring under which the keyboard 13 is deposited (col 3 lines 2937).

Regarding claim 5, Kalbermatter teaches a crystal telephone wristwatch 2 wherein the keyboard 13 includes a first decorative opaque layer formed of numbers and signs (64, 65) and deposited directly under the thinned zone (surrounding zone), and a second layer deposited under the first and formed of a plurality of conductive pads (col 4 lines 21-43), a conductive pads corresponding to each number (13) or sign (63, 64, col 3 lines 26-37), the conductive pads (blade 36, D track) being individually connected to a printed circuit 31 (see figure 5, col 4 lines 19-42).

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3. Claim 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalbermatter et al. (US Patent Number (5,508,978) in view of Teres (US Patent Number 5,812,498), in further view of Born (US patent Number 5,500,835).

Regarding claim 6, Kalbermatter teaches wherein keyboard 13 being sandwiched between said thinned zone (surrounding zone) and a reinforcement (col 4 lines 19-42). The combination Kalbermatter and Teres fails to show a crystal watch wrist wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal. However Born teaches show a crystal watch wrist 1 wherein it is secured onto a bezel 7 including an inner reinforcement extending under the thinned zone 7 of the crystal (see figure 1, col 2 lines 15-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Born with the combination of Kalbermatter and Teres, in order to provide support for the movement of the watch, and enable the user to avoid pressing several keys on the keyboard at the same time.

Response to Arguments

4. Applicant's arguments filed 03/3/04 have been fully considered but they are not persuasive.

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In response to the applicant's that Kalbermatter fails to teach that a crystal having two thickness.

The examiner states that that thin zone area, are the area that the larger number with circle around them are shown in the figure 4.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kalbermatter teaches wherein keyboard 13 being sandwiched between said thinned zone (surrounding zone) and a reinforcement (col 4 lines 19-42). The combination of Kalbermatter and Teres fails to show a crystal watch wrist wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal. However Born ~~show~~ show a crystal watch wrist 1 wherein it is secured onto a bezel 7 including an inner reinforcement extending under the thinned zone 7 of the crystal (see figure 1, col 2 lines 15-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Born with the combination of Kalbermatter and Teres, in order to provide support for the movement of the watch, and enable the user to avoid pressing several keys on the keyboard at the same time.

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Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label ☐PROPOSED☐ or ☐DRAFT☐)

Hand-delivered responses should be brought to Crystal Park II.
2121 Crystal Drive,
Arlington, Va., sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379.

NM
May 14, 2004


CHARLES APPIAH
PRIMARY EXAMINER